

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 06-CR-0405 (PJS/JJG)

Plaintiff,

v.

ORDER

TIMOTHY RUSSELL MAJCHRZAK,

Defendant.

William J. Otteson, UNITED STATES ATTORNEY'S OFFICE, for plaintiff.

Timothy Russell Majchrzak, defendant pro se.

Defendant Timothy Majchrzak pleaded guilty to one count of being a felon in possession of a firearm under 18 U.S.C. § 922(g)(1) and was sentenced to 70 months in prison and 3 years of supervised release. Majchrzak was released from prison on November 1, 2012 and began serving his term of supervised release that day.

This matter is before the Court on Majchrzak's request for early termination of his supervised release. Majchrzak argues that he is in compliance with all of the terms and conditions of his supervised release and has the opportunity to obtain employment as a driver in the oil industry. The government opposes Majchrzak's request.

Majchrzak is not currently eligible for early termination, as the Court is only empowered to terminate supervised release after the defendant has served at least one year of his supervised-release term. 18 U.S.C. § 3583(e)(1). But Majchrzak will be eligible for early termination at the end of this month. In the Court's view, however, termination after only one year of supervision would be premature.

Majchrzak has indeed done very well during the 11 months that he has been under supervision. But Majchrzak also has a long and violent criminal history, including convictions for felony assault and felony aggravated robbery. In addition, the crime for which he is now serving a term of supervised release was serious, involving possession of a semi-automatic rifle, a loaded high-capacity magazine, three shotguns, ammunition, and drug-related items.

In light of the seriousness of Majchrzak's criminal record and the seriousness of the crime for which he is now serving a term of supervised release — and in light of the fact that, in the past, Majchrzak has not done well on supervised release — the Court believes that Majchrzak should be supervised for more than the minimum term of one year. The Court also notes that Majchrzak's probation officer has informed the Court that Majchrzak should be able to maintain his planned employment as a driver in the oil industry without violating any of the terms or conditions of his supervised release. If modification of any of those terms or conditions is necessary to allow Majchrzak to take such a job, Majchrzak or his probation officer can seek such a modification from the Court.

For these reasons, the Court denies Majchrzak's request for early termination of his supervised release. SO ORDERED.

Dated: October 7, 2013

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge